

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RANDALL SHAWN WHITE

VS.

**ASHEVILLE JET CHARTER and
MANAGEMENT, INC. d/b/a/ BIZJET
PARTNERS, LLC, and LIBERTY JET
MANAGEMENT CORP.**

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**CIVIL ACTION NO. 4:17-cv-557
JURY TRIAL**

COMPLAINT AND DEMAND FOR JURY TRIAL

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

COMES NOW Plaintiff, Randall Shawn White (herein after “White” or “Plaintiff”), by and through his undersigned attorneys, and complains of Defendants, Asheville Jet Charter and Management, Inc., and Liberty Jet Management Corp. (hereinafter “Asheville” or “Liberty Jet” or collectively “Defendants”), alleging as follows:

JURISDICTION AND VENUE

1. This is an action involving violations of the Fair Labor Standards Act. Plaintiff brings this action for relief under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 *et seq.* (FLSA).
2. Defendants were substantially in control of the terms of Plaintiff’s work. Defendants were Plaintiff’s employer as defined by 29 U.S.C. §203(d).
3. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1337 and by Title 29 U.S.C. §216(b). At all times pertinent to this Complaint, Defendants were an enterprise engaged in interstate commerce. The Court has personal jurisdiction over Defendants because Defendants conducted business in Texas, have entered into relationships with Plaintiff in Texas, and

committed actions in Texas that give rise to this cause of action.

4. Venue is proper in the Southern District of Texas pursuant to 28 U.S.C. § 1391 (b) and (c) because a substantial part of the events or omissions giving rise to the claims herein occurred in said District. Additionally, Defendant is a resident of and is doing business in said District.

PARTIES

5. Plaintiff is an individual residing in Denton County, Texas.

6. Defendant Ashville is a foreign for-profit corporation authorized to do business in the State of Texas, with its principal office at 4606 FM 1960, Suite 400, Houston, Texas 77069. Defendant Ashville can be served by way of process via its registered agent, to wit: Shelby Cleve Gazaway, 397 N Sam Houston Pkwy. E, S-210, Houston, TX 77060.

7. Defendant Liberty Jet is a foreign business corporation formed in Delaware, with its principal office located at 220 Townsend Sq., Oyster Bay, New York 11771. Defendant Liberty Jet can be served by way of process via its registered agent, to wit: American Incorporators LTD. At 1013 Centre Rd., Suite 403A, Wilmington, Delaware, 19805, with the phone number (302) 421-5752.

8. Defendants Ashville and Liberty Jet operate a fleet of aircraft, servicing customers in locations throughout the United States.

VIOLATIONS OF THE FAIR LABOR STANDARDS ACT

9. Plaintiff reasserts and incorporated by reference all preceding paragraphs as if restated herein.

10. Pursuant to the Fair Labor Standards Act (“FLSA”), employees who are exempt from overtime pay are “salary” employees. Being paid on a “salary basis” means an employee receives a regular predetermined amount of compensation. An exempt employee must receive

his full salary for any week in which he performs any work at all.

11. Plaintiff performed all of his normal duties in his role as Chief Pilot for the pay period of September 2, 2016, through September 15, 2016, but received absolutely no compensation.

12. Defendants sent Plaintiff a letter telling him that his employment was terminated effective September 1, 2016, but failed to actually send said letter to Plaintiff until September 15, 2016. Therefore, Defendants are required to pay Plaintiff his salary for the entire pay period in which he worked.

13. Plaintiff is entitled to the rights, protections, and benefits provided under the FLSA, 29 U.S.C. § 201 *et seq.*

14. Defendants have been and continue to be enterprises engaged in commerce within the meaning of 29 U.S.C. § 203(s)(1).

15. Plaintiff was an employee within the meaning of 29 U.S.C. § 203(e).

16. Defendants were Plaintiff's employer within the meaning of 29 U.S.C. § 203(d).

17. Plaintiff is entitled to damages equal to mandated overtime premium pay, plus periods of equitable tolling because Defendants acted willfully and knew or showed reckless disregard for whether its conduct was prohibited by the FLSA.

17. Defendants' failure to properly compensate Plaintiff was willfully perpetrated and Plaintiff is therefore entitled to recover an award of liquidated damages in an amount equal to the amount of unpaid minimum and overtime premium pay described above pursuant to 29 U.S.C. § 216(b).

18. Alternatively, should the Court find that Defendant did not act willfully in failing to pay overtime premium wages, Plaintiff is entitled to an award of pre-judgment interest at the applicable legal rate. Pursuant to FLSA, 29 U.S.C. § 216(b), successful Plaintiffs are entitled to

reimbursement of the costs and attorneys' fees expended in successfully prosecuting an action for unpaid minimum wages and overtime wages.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this Honorable Court allow Plaintiff to recover the following:

- a. all direct damages;
- b. consequential and incidental damages, which may include the value of lost income for advancements, lost salary income for future employment, and whatever else may be proven during the course of litigation;
- c. compensatory and non-compensatory damages, whether general or special, in an amount deemed sufficient by a trier of fact;
- d. liquidated and/or exemplary damages;
- e. attorney fees;
- f. court costs, including the costs of litigation;
- g. pre-judgment interest and post judgment interest, at the maximum rate as allowed by law; and
- h. any other relief that the Court deems necessary.

Respectfully submitted,

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Demand for Jury Trial

Plaintiff hereby demands trial by jury pursuant to Fed.R.Civ.P. 8(b).